



**SELECT BOARD
MEETING MINUTES
SEPTEMBER 18, 2012**

1.0 CALL TO ORDER – 6:00PM

Meeting called to order at 6:00pm

Members present: Barbara Dailey, Chair
David Barton, Vice-Chair
John Daley
Christopher Jarochym
Robert Winn, Jr.

Others present: Thomas A. Fortier, Town Manager
Judy Shaw-Kagiliery, Town Clerk

2.0 PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Vice-Chairman Barton.

Motion made by Barbara Dailey and second by David Barton to add “8.2 Demolition of Land Use Building” to the agenda under Unfinished Business to revisit; approved 5-0.

3.0 REQUEST TO APPROVE SELECT BOARD MINUTES

3.1 September 4, 2012 – the minutes of the September 4, 2012 Select Board meeting were approved as amended.

4.0 TOWN MANAGER’S REPORT

Tax Bills – will be sent out by the end of next week and are due November 1, 2012 (first half). Pleased to report there has been no increase in the mil rate. There will be an informational insert in the tax bill this year regarding the Recreational Fire Committee’s work on the hazards of recreational fires and smoke. Also included on the insert are important dates and phone numbers.

Thirty-day Unpaid Tax Notices – went out last week, approximately 300 were sent out.

CIP Loan Request – was approved by the Municipal Bond Bank, money should be available by the end of October (Public Works Building, Public Restrooms, and other CIP projects).

November Election – is expected to be very busy in Ogunquit with the marriage equality question on the ballot; and it is also a Presidential Election. Expect a high turn-out; polls will be open 8:00am to 8:00pm. Absentee ballots will be available on October 5th.

Paperless Agenda – the Select Board is moving towards a paperless agenda by utilizing lap top computers; looking to consolidate e-mail communications. This effort is to streamline operations, create efficiency and to cut costs associated with day-to-day operations. The consolidation of e-mail will assure transparency and easy access to town communications and documents. All Select Board communications will be done a town network, no more personal e-mails.

Land Use Building – the move is official, the building will be closed down. The building will not be heated this winter; electricity may be kept on. This is another example of moving towards consolidation and efficiency.

Fireball Run – will arrive in Ogunquit on Friday, September 28th at 4:00pm. Tomorrow, Ogunquit's Team "*Ogunquit A-Go-Go*" will have a send off.

Ogunquit Sewer District – will be holding a couple meetings, one coming up in September and the other in October. These two workshops will be on sea rise, a study was done by an engineering firm on the potential sea rise over the next 100 years and how it will affect the Town of Ogunquit and the Ogunquit Sewer District Treatment Plant.

Marginal Way Workshops – Ben Hershenson will address this at the meeting tonight.

Parking Lot Revenues – revenues are up over last year to date. Last year was a record year; this year has already met the projected budget goal. Revenues are approximately \$100,000 ahead of last year.

Transfer Station Swap Shop – a new swap shop will open soon. A concrete pad was poured over the last week by the PWD staff. The plan is to build a 10' x 16' building where goods can be dropped off or picked up. This will take useful items out of the waste stream which previously the town would have to pay for. "*Reduce, Reuse, Recycle*"

Colonial Inn – congratulations are due to the Colonial Inn, 149 Shore Road, for becoming one of the places on the "*National Register of Historic Places*".

Upcoming events:

- Drug Take-back at the Transfer Station on September 29, 2012
- MDOT Route One & Sidewalk Meeting on October 4, 2012 at 6:00pm
- Select Board Meeting on October 2, 2012

5.0 PUBLIC INPUT

Martin Crosby, Hillcrest

- Location of the New Transfer Station Store (swap shop)

Ben Hershenson, Myrtle Circle

- Spoke about the workshops that had been held regarding the Marginal Way Fundraising efforts. He stated, in his opinion, the workshops were successful. A consensus was reached that major donors should be recognized...he stated that he was confident that goal would be reached in time.

Karen Arel, Executive Director, Ogunquit Chamber of Commerce

- Ms. Arel introduced Leanne Cusimano (Café Amore) and Robert Levenstein, who will be participating in the Fireball Run this year (Team Ogunquit A-Go-Go). There will be 43 teams participating starting in Independence, Ohio on September 21, 2012 and finishing in Bangor, Maine on September 29, 2012. The purpose is to aid in the recovery of America's Missing and Exploited Children.

6.0 APPOINTMENTS, RESIGNATIONS, PROCLAMATIONS, RESOLUTIONS

There were no appointments, resignations, proclamation or resolutions before the Select Board.

7.0 PUBLIC HEARINGS, PRESENTATIONS

Motion made by David Barton and second by Chris Jarochoym to open the public hearing at 6:25pm; approved 5-0.

7.1 Angelina's Ristorante – Malt, Vinous & Spirituous License Renewal

Recommended for approval by the Police Chief, Fire Chief and Code Enforcement Officer, there were no comments or questions from the public.

A representative from Angelina's was in attendance.

091812-01 Motion made by Chris Jarochoym and second by John Daley to accept Angelina's Ristorante Liquor License renewal for the current year 2012-2013; approved 5-0.

Motion made by Robert Winn and second by David Barton to close the public hearing at 6:28pm; approved 5-0.

8.0 ADMINISTRATIVE ITEMS – UNFINISHED BUSINESS

8.1 Update of Proposed DPW Building Location & Construction – *Selectman Jarochym*
Review of project to date and project timelines

Selectman Jarochym – the committee, which is comprised of various staff and residents, has been working to try to close on some of the items as requested by the public; and to move forward on the plan.

Results were received September 18, 2012 on the traffic study from Gorrill-Palmer. This data will need to be reviewed and compared to the 2005 data.

The committee has also received the study from the Public Works Department regarding traffic flow on Berwick Road and Captain Thomas Road.

The committee is looking at where potential entrances to the building would be located.

The next meeting will be Friday, September 21, 2012, at which time the committee will review the traffic study.

Stillman Bradish is waiting on a signature from the Fire Marshall on the current building plan.

Town Manager Fortier – has contacted the two attorneys' that dealt with the Bodack v. Hallett case to get an answer to liability concerns; waiting on a response from the town attorney.

Have the actual Public Works building design in place that was given to the town by Littlefield Engineers at no cost.

In regards to the Dog Park, this is all preliminary discussion, nowhere close to making a decision on whether it would have to be moved or not. It's a wonderful asset to the community, nobody is interested displacing it, but if there costs associated to the PWD building that would increase due to the location of the Dog Park then would have to look at finding another location for the park.

Motion made by David Barton and second by Robert Winn to open a public session at 6:41pm; approved 5-0.

Martin Crosby, Hillcrest

- Mr. Crosby had comments about the location of the Public Work building at the Dog Park location; he voiced his concern about relocating the Dog Park.

Motion made by Robert Winn and second by David Barton to close the public session at 6:48pm; approved 5-0.

Selectman Jarochoym stated that they have received several letters about the location of the Public Works Building on Berwick Road.

8.2 Land Use Building Demolition – *Chairman Dailey*

Chairwoman Dailey stated that the Select Board would like to revisit the discussion regarding the warrant article for the demolition of the Land Use Building.

Selectman Jarochoym stated that the Infrastructure Committee is working with the Town Manager to try to develop costs. It is the intent as move forward to bring it to the public at a later time; at the moment do not have the costs at hand. Regarding the warrant article for the demolition of the Land Use Office, do have a rough quote of \$10,000 to demo the structure and the foundation.

The Infrastructure Committee's recommendation is to place the demolition of the Land Use Office on the Special Town Meeting Warrant with a cost of \$10,000 to be included.

Discussion was held regarding the requirement of the Budget Committee's recommendation on the warrant article.

Town Manager Fortier stated that there was no rush to accomplish this. It may be, in fact, something that could be handled in house with no funds being raised. The easy and quick way is to have a contractor come in, which would require the \$10,000.

Selectman Daley stated that the building should be torn down, but there is no rush. He suggested that it should go to the voters regarding the use of the land. He recommended that the Select Board authorize the Town Manager to tear the building down, in house labor and equipment, no warrant article is needed and would be able to do it as time permits in the spring.

Selectman Winn stated that he agreed with Selectman Daley. Mr. Winn commented on discussions held about alternative uses for the building and land.

It was the consensus of the Select Board that since no funds are being asked for then this does not have to become a warrant article; and that there is no sense of urgency to demolish the building, then this item will be brought up at future meetings to allow for more discussion on the proposed use of the Land Use Building and land.

9.0 ADMINISTRATIVE ITEMS – NEW BUSINESS

9.1 Order for the November 6, 2012 Special Town Meeting – Thomas A. Fortier, Town Manager

Select Board Order to Town Clerk for Articles to be placed on the Warrant of the November 6, 2012 Annual Town Meeting.

Article 2 was approved as written:

Shall the Town vote to spend up to \$25,000 from the Undesignated Fund Balance for the repairs and maintenance of the Perkins Cove Drawbridge?

Article 3 was approved as written:

Shall the Town vote to approve the proposed Charter amendment printed below? [Note: Proposed amendment is underlined. Language proposed to be removed is indicated by a ~~strikeout~~.]

Article 3 – Section 308.2 – Quorum and Voting

308.2.3 Each Board member in attendance shall vote on all issues and questions presented for a vote except when a valid conflict of interest or appearance of a conflict of interest clearly exists; in which case, the member must abstain. ~~If any member does abstain from a vote, other than because of a recognized conflict of interest, he or she shall be considered to have cast a vote in the affirmative and the record shall so show.~~ Otherwise, members in attendance will vote in one of the following responses: “in favor”, “against”, or “present”. A member voting “present” will be considered to be part of the necessary quorum. The record will show votes “in favor”, “against”, and “present”.

Summary: A member should have the opportunity and right to vote “present” if they feel they have insufficient information or no opinion.

Article 4 was approved as written:

Shall the Town approve the proposed Charter amendment printed below? [Note: Proposed amendment is underlined. Language proposed to be removed is indicated by a ~~strikeout~~.]

**Article 3 -
REMOVE:**

~~SECTION 312 — AN INDEPENDENT ELECTION COMMITTEE SHALL BE JUDGE OF ELECTIONS~~

ELECTIONS

- ~~312.1~~ ————— ~~The Town Clerk shall convene and swear in an independent committee of three citizens, to be known as the Election Committee, to resolve all disputed and challenged ballots in elections for municipal office where there are enough challenged or disputed ballots to affect the result of the election. It shall have the power to subpoena witnesses and require the production of records. The Election Committee shall determine the result of the election as soon as reasonably possible and certify that result to the Town Clerk. The decision of the Election Committee shall be subject to court review pursuant to applicable law.~~
- ~~312.2~~ ————— ~~The Election Committee shall consist of three registered voters of Ogunquit; one Democrat, one Republican, and one who is not registered as either a Democrat or Republican.~~
- ~~312.3~~ ————— ~~Candidates for the Election Committee positions shall submit their names to the Town Clerk who shall place them on the ballot at the Annual Town Meeting. The three candidates (Democrat, Republican and one who is not registered as either a Democrat or Republican) who receive the highest vote in each category will be declared the winner and serve as a member of the Election Committee until the next Annual Town Meeting.~~

Article 3 -

REPLACE WITH:

SECTION 312 SELECT BOARD SHALL BE JUDGE OF ELECTIONS

The Select Board shall decide any disputes as to elections or the eligibility of those elected as Municipal Officials. It shall have the power to subpoena witnesses and require the production of records. The decision of the Board in any such case shall be subject to court review under appropriate Maine statutes, Hereafter referred to as the "Board" unless otherwise noted.

Summary: Since the Independent Election Committee was approved by the voters in April 2008, there has been a "failure to elect". Therefore, it is recommended that the Town revert back to the Select Board acting as judge of elections.

Article 5 was approved at the last meeting; but was not on the order. Town Clerk Judy Kagiliery added the article to the order.

Shall the Town vote to approve the proposed Charter amendment printed below? [Note: Proposed amendment is underlined.]

Article 1 – Section 102 - Powers of the Town

- 102.6** Lay out, construct, reconstruct, alter, maintain, repair, control and operate roads, streets and ways, sidewalks, Marginal Way, public parks and beaches, public walks, public parking lots, and public wharves and buildings.

Summary: Marginal Way was removed in 2008 Charter revision. It was always specified in the past Charters and should be reinserted due to its distinct characteristic.

- 091812-02** Motion made by John Daley and second by David Barton to send an Order to the Town Clerk, Articles 1 through 5, to be placed on the Warrant for the November 6, 2012 Special Town Meeting as written; approved 5-0.

10.0 MISCELLANEOUS BUSINESS – ORAL & WRITTEN COMMUNICATIONS – FOLLOW-UP

10.1 Public

Doug Mayer, Resident and Conservation Commission Member

- Very pleased to bring news of a major land donation in town. Approximately seven years ago, Mike Horn with the Conservation Commission and Tin Smith with the Great Works Regional Land Trust, began discussions with local land owners about protecting open space and water resources. Richard Payeur wanted to donate some land for Ogunquit's future generations and also help protect Ogunquit River watershed. Mr. Payeur has gifted 55 acres of land to the GWRLT; 35 of those acres about the portion of land along Berwick Road that was overwhelming voted to be designated as Conservation Land and Wildlife Commons at the last town election.

Muriel Freedman, 81 Grasshopper Lane

- Muriel stated that before the Select Board voted on the STM Order, she would like to ask a question regarding one of the articles, 308.2.3; asked that it be read.

Chairwoman Dailey read the warrant articles to the public.

10.2 Select Board

Selectman Daley

- Received a lot of letters from different residents regarding the Public Works Building location traffic being a hazard to pedestrians on Berwick Road. He asked that those that wrote the letters to elaborate more.

Selectman Jarochym

- Reiterated that do receive a lot of letters from people in the public, speaking to them on the street or phone calls. This is part of a Selectman's role and is taken very seriously; try to consider everyone in the town.

Selectman Barton

- Suggested at the last meeting that this is somewhat like running a business. Planning or a Town Planner is something that could be helpful. Referenced a book by Robert Chapin – *"Murders in Ogunquit, Beautiful Place by the Sea"*.

Chairwoman Dailey

- Expressed her appreciation of the good news shared at the meeting. The best news is that people are coming to the meetings and participating.
- Thanked Ben Hershenson for his leadership throughout the Marginal Way discussions.
- Thanked Doug Mayer and the work of the Conservation Committee regarding the land donation.

11.0 EXECUTIVE SESSION

11.1 Personnel (Pursuant to Title 1, Chapter 13, Subchapter1 §405.6.A)

Motion made by Chris Jarochym and second by Robert Winn to go into Executive Session pursuant to Title 1, Chapter 13, Subchapter1 §405.6.A Personnel at 7:33pm; approved 5-0.

Motion made by Barbara Dailey and second by David Barton to close the Executive Session at 8:34pm; approved 5-0.

No decision was made during the Executive Session.

12.0 ADJOURNMENT

Motion made and seconded to adjourn the meeting at 8:35pm; unanimous vote to adjourn.

Respectfully submitted,

Cheryl L. Emery, Administrative Assistant to the Town Manager